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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,694	10/16/2000	YUJI TAKAMIZAWA	P5285A	3266
20178	7590	01/25/2006	EXAMINER	
EPSON RESEARCH AND DEVELOPMENT INC INTELLECTUAL PROPERTY DEPT 150 RIVER OAKS PARKWAY, SUITE 225 SAN JOSE, CA 95134			NGUYEN, MADELEINE ANH VINH	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/690,694	TAKAMIZAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Madeleine AV Nguyen	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                   |                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| ✓ 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| ✓ 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| ✓ 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/16/2000</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 8-12, filed on November 1, 2005, with respect to the rejection(s) of claim(s) 1-27 under Makino in view of Teradaira et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Akiyama et al (US Patent No. 5,594,653).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18, 20-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Akiyama et al (US Patent No. 5,594,653)

Concerning claims 1, 21, 24, Akiyama et al discloses a printer (printing apparatus side, Fig.1) adapted to be connected to a host computer (61, Fig.2) and to receive data including control commands from the host computer comprising a receive buffer (65) for temporarily storing received data; a data interpreter (66) for interpreting the data in the receive buffer; control means (68) responsive to the data interpreter for controlling the printer; state detection means (71-76) for detecting whether the printer is in a first state (off-line or when an error occurs) in

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which data is received and the received data is not printed, or in a second state (on-line) in which data is received and the received data is printed; clearing means (Table 1 when  $n=8$ ) for clearing the received buffer, characterized in that the clearing means is responsive to the state detection means for clearing the receive buffer in response to the printer entering said first state (Figs. 7-8; Abstract; col. 8, lines 21-54; col. 13, line 1 - col. 14, line 20; col. 15, lines 31-67; col. 16, line 60 – col. 18, line 18).

Concerning claims 2-5, 6, 7, 22, 23, Makino et al further teaches a setting means (69 and 77 Fig. 5) for setting data handling mode that determines how data are handled when the printer is in the first state (off-line state); and reading means (73) for reading the data handling mode in response to the printer entering the first state; wherein the clearing means is adapted to clear the receive buffer only when the data handling mode is set ( $n=8$ ) to allow clearing of the receive buffer (claims 2, 22), (122, Fig. 7; 146, Fig. 8; 112, Fig. 10); the setting means is adapted to set the data handling mode in response to a specific control command from the host computer (2), (claim 3), (col. 15, lines 30-65; col. 16, line 62 – col. 17, line 25); a data discarding means for discarding print data and not discarding command data received from the host computer while the printer is in the first state (off-line state), (claims 4, 23), (132, Fig. 8; col. 15, lines 30-65; col. 16, line 62 – col. 17, line 25); the data discarding means is adapted to discard data only when the data handling mode is set to allow discarding the data received from the host computer, (claim 5), (col. 13, line 1 - col. 14, line 20; col. 15, lines 31-67; col. 16, line 60 – col. 18, line 18); a print buffer (67) for storing expanded print data wherein the clearing means is adapted to clear both the receive buffer and the print buffer (claim 6), (col. 14, lines 1-6); the first state is an off-line state in which the data interpreter does not interpret received print data and does interpret

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received command data, and the second state is an on-line state in which the data interpreter interprets received data, (claim 7), (Abstract; col. 15, lines 30-65; col. 16, line 62 – col. 17, line 25).

Claim 8 is method claim of apparatus claim 1. Claim 8 is rejected for the same rationales set forth for claim 1 above.

Concerning claims 9-18, 20, Akiyama et al further teaches that the clearing step is accomplished immediately after the first state is detected, (claim 9), (146, Fig.6; col. 14, lines 1-6); setting a data handling mode so as to either allow or not allow clearing of the received buffer (col. 13, line 34 – col. 14, line 6); reading the data handling mode in response to detection of the first state, wherein the clearing step comprises clearing the receive buffer only when the data handling mode read in step reading allows clearing of the receive buffer, (claim 10), (col. 13, line 34 – col. 14, line 6; col. 16, line 62 – col. 17, line 22); the setting step is accomplished according to a specific control command from a host computer 2, (claim 11), (col. 13, line 34 – col. 14, line 6; col. 16, line 62 – col. 17, line 22); a step of discarding data received from a host computer after the receive buffer was cleared and until detecting step detects the second state, (claim 12), (Figs.7, 8, 10; col. 13, line 21 – col. 14, line 25; col. 15, lines 30 –65); the step of discarding data comprises discarding data only when the data handling mode read in reading step further allows discarding the data received from the host computer, (claim 13), (Figs.7, 8, 10; col. 13, line 21 – col. 14, line 25; col. 15, lines 30 –65; col. 16, line 60 -,col. 17, line 25); a step of saving in the receive buffer data received from the host computer after the receive buffer was cleared in the clearing step and until the detecting step detect the second state, (claim 14), (Figs.7, 8, 10; col. 13, line 21 – col. 14, line 25; col. 15, lines 30 –65; col. 16, line 60 -,col. 17, line 25); a step of

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clearing the receive buffer when the second state is detected in the detecting step after the first state had been detected, (claim 15), (Figs.7, 8, 10; col. 13, line 21 – col. 14, line 25; col. 15, lines 30 –65; col. 16, line 60 –,col. 17, line 25); a clearing mode for clearing received data or contents stored in the memory, (claim 16-17), (Figs.7, 8, 10, 13), the first state is an off-line state and the second state is an on-line state, (claim 18), (col. 16, line 60 – col. 17, line 25), sending print data to the printer in conjunction with a printing completed command requesting notification when printing of the print data is completed, awaiting a print completed notification, resending the print data, (claim 20), (Figs.13, col. 16, line 60 – col. 17, line 67).

Concerning claim 25, Makino et al further teaches a clearing unit that clear the receive buffer wherein if there is a state transition into the second state, the clearing unit clears the receive buffer (Figs.8, 10, 13).

Claims 26-27 are method claim of apparatus claims 1 and 25. Claims 26-27 are rejected for the same rationales set forth for claims 1 and 25.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

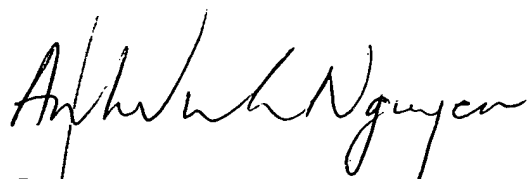
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday, Tuesday, Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
January 21, 2006

Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2626